



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

**STATE HOUSE STATION 101
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333**

January 9th, 1991

Minutes of the January 9th, 1991 meeting of the Commission on Governmental Ethics and Election Practices held in the Conference Room of the Department of Economic and Community Development, 219 Capitol Street, Augusta, Maine.

Present: Chairman Paul K. McCann; Members Henry G. Beyer, Gregory G. Cyr, Joseph B. Ezhaya, Richard H. Pierce, Richard L. Trafton; Commission Counsel William Stokes.

Absent: Commission member Paul E. Violette

Chairman Paul McCann called the meeting to order at 9:40 a.m.

The draft minutes of the November 30th, 1990 meeting were approved as submitted, on motion of Mr. Cyr.

Next, the Commission agreed to reconsider its November 30th ruling on the lateness of Representative Albert Stevens' pre-election report. Mr. Pierce moved, and Mr. Beyer seconded, to accept staff's recommendation to waive the penalty because Mr. Stevens sent the report via certified U.S. mail two days before the filing deadline. The motion carried unanimously.

The Commission then reviewed Representative George Kerr's request for an investigation regarding the source of campaign literature allegedly circulated in House District 17 prior to the election and attributed to "Full Disclosure Association, P. Jane Dillon, and Director." Ms. Canavan reported that no such committee was registered with the Commission, but that the literature was allegedly distributed at the behest of one Robert McNally. She added that, pursuant to a Commission staff inquiry, Mr. McNally telephoned the Commission and indicated he would respond by letter to Mr. Kerr's allegations, but, to date, has not done so. She stated that Mr. Neil Weinstein, Mr. Kerr's opponent, telephoned the Commission office prior to Mr. Kerr's filing the complaint and denied any involvement with circulation of the material.

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Finally, Ms. Canavan noted that two references in the flier appear to advocate the defeat of Mr. Kerr. Representative George Kerr was present and addressed the Commission briefly. He urged the Commission to investigate to obtain the facts concerning the flier's source because it failed to carry the appropriate disclaimer.

Mr. Pierce moved to ask the Attorney General for assistance in obtaining the facts concerning the source of the flier. Mr. Cyr seconded and the motion carried unanimously.

The Commission then reviewed proposed legislation to amend the campaign finance laws. Mr. McCann expressed concern that L.D. 71 would exclude from political action committee (PAC) reporting requirements, the disclosure of contributions to PACs from sources outside the state. Ms. Canavan indicated that staff will continue research into whether such exclusions are allowed in other states.

Next, the Commission reviewed Mr. Jon Doyle's letter in which was addressed certain issues related to endorsement lists published by candidates. Mr. Doyle's suggestion -- that candidates for public office be required to obtain some sort of certification that permission was sought for an endorsement -- was referred to the Fair Campaign Practices Subcommittee on motion of Pierce. The motion was seconded and carried unanimously.

At the request of the Chair, Ms. Canavan then presented a budget update. She noted that additional funds were found in the Commission's "personal services" account that can be used to meet the Governor's proposed target reduction; thus previous plans to abolish a full-time staff position need not be implemented. Staff is developing a proposal for meeting the FY 1992-1993 target without cutting staff positions.

Staff then reported that notices for post-election reports and sources of income statements were sent out on schedule.

After a short recess, the Commission reconvened to hear testimony as part of a continuing investigation in the Robin Lambert case. Subpoenaed witness Carolyn Cosby was present but declined to take the required oath. Thus Mr. Trafton moved that the Commission proceed to enforce the subpoena in the appropriate court. The motion was seconded by Mr. Pierce and passed unanimously. Mr. Stokes advised Ms. Cosby that she was subpoenaed pursuant to statutory authority and that she risked an application to be filed with the court, holding her in contempt. A second subpoenaed witness, Mr. Paul Volle, was present and likewise declined to submit to questioning. Mr. Trafton moved that the Commission proceed to the appropriate court to enforce the subpoena. Mr. Pierce seconded; the motion carried unanimously.

Mr. Stokes then advised members that he would apply to Superior Court for an order to require Mr. Volle and Ms. Cosby to appear before the Commission to testify and also to ask the court to consider holding both parties in contempt.

The Commission then reviewed a draft of the advisory opinion and recommendations prepared by Mr. Peter Brann, Commission counsel for the duration of the Hickey/Lipman appeal hearing.

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Mr. Brann was present and, on request of the Chair, summarized Commission findings. Mr. Cyr then moved to accept the report as written and forward it to the House of Representatives for consideration. Mr. Pierce seconded the motion. Mr. McCann noted that comments from individual Commission members would be made a part of the report. Staff was then directed to deliver the advisory opinion to the Clerk of the House on the following day, after members had had an opportunity to review it in more depth.

Mr. McCann called for a vote on the motion to approve the draft advisory opinion subject to editing changes and with additional documents attached, to be signed by Chairman McCann and sent to the House of Representatives on January 10th, 1991. The motion carried unanimously.

It was then suggested that an expression of thanks in the form of a resolution be drawn up, placed on the agenda of the January 25th meeting, and later presented to Mr. Brann.

The meeting was adjourned at 12:40 p.m.

Respectfully submitted,

Marilyn Canavan
Director